The Commoner.

ISSUED WEEKLY.

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THE COMMONER, Lincoln, Neb.

"The next fight begins tomorrow." The present fight is on today.

Mr. Hanna says there is nothing to discuss. But can he tell us how old Ann is?

The indications are that corruption will run riot before water runs through the isthmian canal.

The g. o. p. should drop the elephant as a party emblem and adopt the statute of limitations.

Colombia's protests must be addressed to ears that refused to hearken to the appeal from South Africa.

In the roster of officers of the new republic of Panama we find such fine old Spanish names as "Lewis" and "Tracy."

If Mr. Loeb is not too busy he should dig up a copy of that famous Walla Walla dispatch and forward it to Mr. Hanna.

Perhaps Senator Hanna is concocting a mild Pickwickian flavor to mix with his future denials of presidential aspirations.

After you have finished reading your copy of The Commoner, hand it to a neighbor and invite him to read it and become a subscriber.

That "wonderful record of two years of diplomacy in China" seems to have been brushed off by one wag of the bear's stumpy tail.

It seems that a lot of New York's "leading daily newspapers" have considerable difficulty in keeping their political influence on straight.

Panama should be careful. Two canals would make an island of that new republic, and of late we have cultivated a great appetite for islands.

If Mr. Roosevelt can keep Mr. Hanna at the head of the committee he will have succeeded in keeping Mr. Hanna off the head of the ticket.

It seems that Mr. Rockefeller is now a major general of industry while Mr. Morgan and Mr. Schwab have been reduced to mere fourth corporals.

Mr. Carnegie does not consider the slump in stocks a dangerous incident. Mr. Carnegie's first mortgage bonds represent the real value of the plants.

Attorney General Knox refuses to re-open the Littauer case. Is it possible that there is something therein not yet covered by the statute of limitations?

Mr. Chamberlain's attitude towards the Boer republics was not one whit worse than Theodore Roosevelt's attitude towards the sister republic of Colombia.

According to the reorganizers, Johnson was beaten in Ohio because his convention indorsed the Kansas City platform and Sullivan was defeated in Iowa in spite of the fact that his convention refused to indorse the Kansas City platform.

"Diplomats should be trained," exclaims a contemporary. This is calculated to boom the sale of Joe Mulhatton's book.

The constantly increasing price of oil and coal indicates that the "trustees of divine providence" are thinking more of earth than of treasures in heaven.

The president's message to the special session laid stress upon "good faith" towards Cuba. But it overlooked the matter of "good faith" towards Colombia.

That crushing sound merely indicates that the trusts have been quick to avail themselves of the invitation to apply the screws to the people with a little more vigor.

Had Panama nothing but justice and right on her side it might have taken a great deal longer to secure recognition from the administration at Washington.

The "Lots of Five" subscription campaign is progressing at a gratifying rate. Every new subscriber added to The Commoner's list increases this paper's influence.

The Filipinos should hustle around and throw a little canal dirt, attach a forty-million-dollar-opportunity thereto and then appeal to Washington for recognition.

It took more years to recognize Cuba's demands for justice than it did minutes to recognize Panama's offer of an opportunity to divide up $40,000,000 of Uncle Sam's money.

Quite a number of prominent republicans are wearing statute of limitations vindications with great pride. And the indications are that the number will continue to increase.

The Filipinos now see what a mistake they made when they didn't back up their claims for recognition with a canal scheme or something else equally profitable for the grafters.

The Panamans should be careful. Let them recall the statement that "forcible annexation would be criminal aggression," and then take a glimpse at what "plain duty" has done.

The Boers had no argument to offer save the justice of their cause, hence the administration at Washington had no time to waste in considering their requests for recognition.

Should a regular subscriber receive an extra number of this week's issue he is respectfully asked to hand it to a non-subscriber who might thus be interested in the cause for which The Commoner is battling.

The Omaha Bee, republican, asserts that "it is now reasonable to assume that the democrats of Ohio will discard Tom L. Johnson as a leader and dictator and marshal themselves under someone who stands for true democratic principles." Well, hardly. What republican organs hold to be "true democratic principles" is not calculated to appeal to men who are democrats from principle.

While northern republican papers are denouncing the treatment of the negro in the south it would be well for them to give a moment's attention to the treatment of the black man in the north. In the city of Lincoln, Neb.,—mark the name—with its republican majority of almost 2,000, the negro delegates to a great religious convention this month were denied accommodations at the hotels.

The Columbus Journal's editor wrote an editorial booming Mr. Hanna for president, and it was wired out with the explanation that "The Columbus Journal will say editorially tomorrow," etc. But Mr. Hanna headed the editorial off and the Journal did not print it. But it was reproduced in other daily papers just the same. The Hanna blue pencil seems to have dropped its point a little too early.

The Nashville American says: "The United States cannot object to the establishment of republics." The American, however, overlooks the fact that it indorses the United States' objections to the establishment of a republic in the Philippines, and that it has had no words of censure for the United States' failure to recognize the South African republics. Yet the Filipinos and the Boers had established a much better claim to independence than ever the Panamans did.

If Senator Redfield Proctor is honest with himself and with his constituents he will tell the senate what he told the people at the fortieth annual reunion of the Vermont civil war veterans.

And right after Mr. Hanna's big victory steel common touched the lowest point—less than 10 cents. Mr. Hanna must have let go of the prosperity lever long enough to expectorate on his hands.

Coal oil has been advanced in price seven times in less than three months. Between his religion and his ability to rob, Mr. Rockefeller must be extracting a whole mess of creature comforts.

Presidential attention has been called to a little cloud no bigger than a man's hand that occupies a position in the political heavens immediately above the palatial home of Marcus A. Hanna.

The administration organs that see in Ohio's huge republican majority nothing more than an indorsement of Mr. Roosevelt's administration should hurry around the corner to the nearest oculist.

A Newark, O., man who turns out to be a defaulter in the amount of many thousands of dollars was quite a stump orator during the campaign of 1896. He was very loud then in his denunciation of "50-cent dollars" and in his demands for "honest money" "good in Europe."

Judge Cleveland's Decision.

(Continued from Page 3.)

paper as being in existence at the time of the execution of the will, the authorities agree that the paper referred to must in fact be in existence at the time of the execution of the will.

Was the letter in the sealed envelope in existence at the time of the execution of the will? This question is answered by the first sentence of the letter itself. It reads, "In my will, just executed, I have bequeathed to you," etc. There is no ambiguity about the meaning of these words. They say, if they say anything, that the letter was not in existence until after the will was executed. It is not necessary to inquire how the obvious meaning of these words would have been affected if evidence had been offered to indicate that the sealed letter was in fact prepared before execution of the will, because no such evidence was offered. True, the typewritten draft was prepared in Nebraska two or three days before the execution of the will, and is still in existence; but it was found in a safe in the store of Bennett, Sloan & Company after the testator's death, and not with the will, which was found in a safe deposit box of the Merchants Safe Deposit Co., in which box was also found the sealed envelope. This typewritten draft was not designed to be the letter to be referred to in the will, and cannot be considered as such.

Page, in his work on Wills, 165, states the law as follows: "The reference in the will to the document as already in existence is not conclusive. It must be shown further that the document sought to be incorporated was, in fact, in existence at the time of the execution of the will. . . . Where the document referred to is written after the will is executed, even if immediately after, and on the same day, it cannot be regarded as part of the will." So in Underhill on Wills, 280, it is said: "It must be proved (and this of course can only be done by parol evidence) that the writing was in fact in existence at the date of the will." See also Jarman on Wills, 99, Schouler on Wills, 282; Woerner on Administration, 485; Phelps vs. Robbins, 40 Conn., 250, 272; Newton vs. Beaman's Friend Society, 130 Mass., 91; Shillaber's Estate, 74 Cal., 144; 5 Am. St. Rep., 433; Vestry vs. Bostwick, 8 App., D. C. 452.

In view of the plain recital in the letter itself, it is difficult to see how, without an utter disregard of the authorities, this letter can be incorporated into the will, and this court therefore finds that the sealed letter cannot be admitted to probate as a part of the will. It is not, however, the province of this court in probating a will to construe its provisions. Hence the 12th clause, whether operative or not, will be admitted to probate as a part of the will; and in thus refusing to probate the sealed letter as a part of the will, this court does not wish to be understood as expressing any opinion as to whether the letter, without being probated, can have any legal effect as a declaration of the trust attempted to be created by the 12th clause of the will.

LIVINGSTON W. CLEVELAND, Judge.